

United States Environmental Protection Agency
Region 5

IN THE MATTER OF:)	
)	
Superior Aluminum Alloys, LLC)	FINDING OF VIOLATION
14214 Edgerton Road)	
New Haven, Indiana 46774)	EPA-5-02-IN-18
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	

FINDING OF VIOLATION

The United States Environmental Protection Agency (U.S. EPA) finds that Superior Aluminum Alloys (Superior) is violating Section 114 of the Clean Air Act, 42 U.S.C. § 7414 (the Act), Part 70 permit requirements and the Secondary Aluminum Production National Emission Standards for Hazardous Air Pollutants (NESHAP) as set forth below.

Regulatory Authority

Section 114

1. Section 114 of the Act, 42 U.S.C. § 7414, provides that the Administrator (or delegated authority) may require that any person who owns or operates an emission source, on a one-time, periodic or continuous basis, provide information which the Administrator may reasonably require to carry out any provision of the Act.

40 C.F.R. Part 63 Subpart RRR

2. Pursuant to 40 CFR §63.1500, the requirements of Subpart RRR apply to the owner or operator of each secondary aluminum production facility.
3. Pursuant to 40 C.F.R. § 63.1501 (b), the owner or operator of a new affected source that commences construction or reconstruction after February 11, 1999 must comply with the

requirements of subpart RRR by March 23, 2000, or upon startup, whichever is later.

4. Pursuant to 40 C.F.R. § 63.1506(a)(1), on and after the date on which the initial performance test is conducted or required to be conducted, whichever date is earlier, the owner or operator must operate all new and existing affected sources and control equipment according to the requirements in this section.
5. Pursuant to 40 C.F.R. §63.1510(a), on and after the date the initial performance test is completed or required to be completed, whichever date is earlier, the owner or operator of a new or existing affected source or emission unit must monitor all control equipment and processes according to the requirements in this section.
6. Pursuant to 40 C.F.R. §63.1510(b), the owner or operator must prepare and implement for each new or existing affected source and emission unit, a written operation, maintenance, and monitoring (OM&M) plan. The owner or operator must submit the plan to the applicable permitting authority for review and approval as part of the application for a part 70 or part 71 permit. Any subsequent changes to the plan must be submitted to the applicable permitting authority for review and approval. Pending approval by the applicable permitting authority of an initial or amended plan, the owner or operator must comply with the provisions of the submitted plan.
7. Pursuant to 40 C.F.R. §63.1510(i), these requirements apply to the owner or operator of an affected source or emission unit using a lime-injected fabric filter to comply with the requirements of this subpart.

(1) The owner or operator of a continuous lime injection system must verify that lime is always free-flowing by either:

(i) Inspecting each feed hopper or silo at least once each 8-hour period and recording the results of each inspection. If lime is found not to be free flowing during any of the 8 hour periods, the owner or operator must increase the frequency of inspections to at least once every 4-hour period for the next 3 days. The owner or operator may

return to inspections at least once every 8 hour period if corrective action results in no further blockages of lime during the 3-day period; or

(ii) Subject to the approval of the permitting agency, installing, operating and maintaining a load cell, carrier gas/lime flow indicator, carrier gas pressure drop measurement system or other system to confirm that lime is free-flowing. If lime is found not to be free-flowing, the owner or operator must promptly initiate and complete corrective action, or

(iii) Subject to the approval of the permitting agency, installing, operating and maintaining a device to monitor the concentration of HCl at the outlet of the fabric filter. If an increase in the concentration of HCl indicates that the lime is not free-flowing, the owner or operator must promptly initiate and complete corrective action.

(2) The owner or operator of a continuous lime injection system must record the lime feeder setting once each day of operation.

8. Pursuant to 40 C.F.R. §63.1510(j), the owner or operator must install, calibrate, operate and maintain a device to continuously measure and record the weight of gaseous or liquid reactive flux injected into each emission unit.
9. Pursuant to 40 C.F.R. §63.1515(a), the owner or operator must submit initial notifications to the applicable permitting authority as described in paragraphs (a)(1) through (7) of this section.
10. Pursuant to 40 C.F.R. §63.1515(b), each owner or operator must submit a notification of compliance status report within 60 days after the compliance dates specified in §63.1501. The notification must be signed by the responsible official who must certify its accuracy. A complete notification of compliance status report must include the information specified in paragraphs (a)(1) through (10) of this section.

11. Pursuant to 40 C.F.R. §63.1517(a), as required by § 63.10(b), the owner or operator shall maintain files of all information (including all reports and notifications) required by the general provisions and this subpart.
12. Pursuant to 40 C.F.R. §63.1517(b), in addition to the general records required by § 63.10(b), the owner or operator of a new or existing affected source (including an emission unit in a secondary aluminum processing unit) must maintain certain records.

Permits

13. U.S. EPA promulgated final interim approval of the Indiana Title V program on November 14, 1995 (60 Fed. Reg. 57188), and the program became effective on December 14, 1995 (Part 70 program).
14. U.S. EPA promulgated the Part 70 permit program regulations under the authority of Section 502 of the Act, 42 U.S.C. §7761a. The regulation at 40 C.F.R. § 70.6(b)(1) specifies that all terms and conditions in a permit issued under a Part 70 program, including any provisions designed to limit a source's potential to emit, are enforceable by the U.S. EPA under the Act.

Superior's Facility

15. Superior owns and operates a secondary aluminum facility at 14214 Edgerton Road, New Haven, Indiana.
16. Superior owns and operates three reverberatory furnaces which are controlled by lime injected fabric filter baghouses.
17. Superior began operating furnace #1 in November 2001.
18. Superior began operating furnace #2 in February 2002.
19. Superior began operating furnace #3 in August 2000.
20. The Superior facility is an emission source subject to the requirements of the Act, including Section 114 of the Act, 42 U.S.C. § 7414, 40 C.F.R. Part 63 Subpart RRR and any

applicable requirements of the federally-approved Indiana State Implementation Plan (SIP).

21. Superior is subject to the conditions of source modification permits 003-11927-00286 and 003-14739-00286, and Part 70 operating permit number T003-11452-00286.

Violations

Section 114

22. On May 2, 2002, U.S. EPA issued a Request for Information to Superior pursuant to Section 114 of the Act, 42 U.S.C. § 7414. The Request for Information required Superior to conduct volatile organic material (VOM) capture and destruction efficiency testing to determine whether the facility's dryer operation is in compliance with the State operating permit and Title V permit. According to the Request for Information, Superior was required to test by July 15, 2002.
23. Superior failed to conduct the testing at the Superior facility by July 15, 2002 as required by U.S. EPA's Request for Information issued on May 2, 2002 in violation of 42 U.S.C. § 7414.

40 C.F.R. Part 63 Subpart RRR

24. Superior began operation of furnace 3 in August 2000. Superior performed the initial performance test on June 1, 2001.
25. Superior has not created an operation, maintenance and monitoring (OM&M) plan for furnace 3 in violation of 40 C.F.R. §63.1510(b), Condition D.1.6 of the Title V Permit and Condition D.1.7(11) of the Source Modification Permit 003 11927-00286.
26. Superior has not performed inspections once per 8-hr shift of the continuous lime injection system for furnace 3 in violation of 40 C.F.R. § 63.1510(i)(1), Condition D.1.12(b) of the Title V Permit and Condition D.1.7(6)&(7) of the Source Modification Permit 003 11927-00286.
27. Superior has not installed a device to continuously measure and record the weight of gaseous or liquid reactive flux injected into furnace 3 in violation of 40 C.F.R.

§63.1510(j), Condition D.1.12 of the Title V Permit and Condition D.1.7(4) of the Source Modification Permit 003-11927-00286.

28. Superior has failed to submit an initial notification for furnaces 1-3 in violation of 40 C.F.R. § 63.1515(a), Condition D.1.25 of the Title V Permit, Condition D.1.13(1) for furnace 3 of the Source Modification Permit 003-11927-00286 and Condition D.1.25(a) for furnaces 1 and 2 of the Source Modification Permit 003-14739-00286.
29. Superior has failed to submit a compliance status report for furnaces 1-3 in violation of 40 C.F.R. § 63.1515(b), Condition D.1.25 of the Title V Permit, Condition D.1.13(2) for furnace 3 of the Source Modification Permit 003-11927-00286 and Condition D.1.25(b) for furnaces 1 and 2 of the Source Modification Permit 003-14739-00286.
30. Superior has failed to maintain records of 15-minute block average weights of gaseous or liquid flux, records of monthly label inspections and a copy of the OM&M plan required under 40 C.F.R. §63.1517 and in violation of parts of 40 C.F.R. § 63.1517(a) and (b), Condition D.1.24 of the Title V Permit, Condition D.1.13 for furnace 3 of the Source Modification Permit 003-11927-00286 and Condition D.1.25 for furnaces 1 and 2 of the Source Modification Permit 003-14739-00286.

Permit Violations

31. Superior began operating furnace 3 in August 2000. Superior performed the initial performance test June 1, 2001 violating permit condition D.1.9 of the Title V Permit and Condition D.1.6 of the Source Modification Permit 003-11927-00286 which required that Superior test furnace 3 within 180 days after the issuance of the permit on June 7, 2000.

8/26/02
Date

Stephen Rothblatt
Stephen Rothblatt, Acting Director
Air and Radiation Division

§63.1510(j), Condition D.1.12 of the Title V Permit and Condition D.1.7(4) of the Source Modification Permit 003-11927-00286.

28. Superior has failed to submit an initial notification for furnaces 1-3 in violation of 40 C.F.R. § 63.1515(a), Condition D.1.25 of the Title V Permit, Condition D.1.13(1) for furnace 3 of the Source Modification Permit 003-11927-00286 and Condition D.1.25(a) for furnaces 1 and 2 of the Source Modification Permit 003-14739-00286.
29. Superior has failed to submit a compliance status report for furnaces 1-3 in violation of 40 C.F.R. § 63.1515(b), Condition D.1.25 of the Title V Permit, Condition D.1.13(2) for furnace 3 of the Source Modification Permit 003-11927-00286 and Condition D.1.25(b) for furnaces 1 and 2 of the Source Modification Permit 003-14739-00286.
30. Superior has failed to maintain records of 15-minute block average weights of gaseous or liquid flux, records of monthly label inspections and a copy of the OM&M plan required under 40 C.F.R. §63.1517 and in violation of parts of 40 C.F.R. § 63.1517(a) and (b), Condition D.1.24 of the Title V Permit, Condition D.1.13 for furnace 3 of the Source Modification Permit 003-11927-00286 and Condition D.1.25 for furnaces 1 and 2 of the Source Modification Permit 003-14739-00286.

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Date

Stephen Rothblatt, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-02-IN-18, by Certified Mail, Return Receipt Requested, to:

David T. Frebel
Manger of Engineering
and Environmental Compliance
Superior Aluminum Alloys, L.L.C.
14214 Edgerton Road
P.O. Box 678
New Haven, Indiana 46774

I also certify that I sent copies of the Finding of Violation by first class mail to:

David McIver, Chief
Office of Enforcement Air Section
Indiana Department of Environmental Management
100 North Senate Avenue, Room 1001
Indianapolis, Indiana 46206-6015

on the 27th day of August, 2002.

Betty Williams
Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7099340000095958651